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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,815	02/04/2004	Clay Fisher	Sony-06100	3956
36813	7590	07/14/2006	EXAMINER	
O'BANION & RITCHEY LLP/ SONY ELECTRONICS, INC. 400 CAPITOL MALL SUITE 1550 SACRAMENTO, CA 95814			AHLUWALIA, NAVNEET K	
			ART UNIT	PAPER NUMBER
			2166	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/771,815	FISHER ET AL.	
	Examiner	Art Unit	
	Navneet K. Ahluwalia	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/28/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The application has been examined. Claims 1 – 24 are pending in this office action.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figure 4 is an informal drawing. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 24 rejected under 35 U.S.C. 102(b) as being anticipated by Hitson et al. ('Hitson' herein after) (US 2002/0010759 A1).

With respect to claim 1,

Hitson discloses a method comprising: receiving a request for a specific content from a first device (Figure 5 elements 501, 502 and 503 and Figure 6); identifying the specific content within a second device; selecting a format for the specific content based on the first device (paragraph 50); and transmitting the specific content in the format from the second device to the first device (paragraph 38).

With respect to claim 2,

Hitson discloses the method according to claim 1 further comprising transforming the specific content into the format (paragraphs 3 and 9).

With respect to claim 3,

Hitson discloses the method according to claim 1 wherein selecting the format further comprises detecting a storage capacity of the first device (paragraph 4).

With respect to claim 4,

Hitson discloses the method according to claim 1 wherein selecting the format further comprises detecting a play capability of the first device (paragraph 6).

With respect to claim 5,

Hitson discloses the method according to claim 1 wherein selecting the format further comprises detecting a connection between the first device and the second device (figure 3 and paragraph 70).

With respect to claim 6,

Hitson discloses the method according to claim 1 wherein the specific content includes one of a song, an album, and a video (paragraph 11).

With respect to claim 7,

Hitson discloses the method according to claim 1 further comprising storing the specific content within the first device (paragraph 92).

With respect to claim 8,

Hitson discloses the method according to claim 1 wherein the first device is an audio device (Figure 23).

With respect to claim 9,

Hitson discloses the method according to claim 8 wherein the audio device is a portable audio player (Figure 23 and paragraph 127).

With respect to claim 10,

Hitson discloses the method according to claim 1 wherein the second device is a media server (Figure 23).

With respect to claim 11,

Hitson discloses the method according to claim 1 wherein the format is an MP3 format (paragraph 7).

With respect to claim 12,

Hitson discloses a system comprising: means for receiving a request for a specific content from a first device (Figure 5 elements 501, 502 and 503 and Figure 6); means for identifying the specific content within a second device; means for selecting a format for the specific content based on the first device (paragraph 50); and means for transmitting the specific content in the format from the second device to the first device (paragraph 38).

With respect to claim 13,

Hitson discloses a method comprising: detecting content within a second device (Figure 5 elements 501, 502 and 503 and Figure 6); selecting a synchronization program; selecting a format based on a first device (paragraph 50); and automatically transmitting the content to the first device in the format based on the synchronization program (paragraph 38).

With respect to claim 14,

Hitson discloses the method according to claim 13 wherein the content includes one of a song, an album, and a video (paragraph 11).

With respect to claim 15,

Hitson discloses the method according to claim 13 wherein the synchronization program identifies new content for transmission to the first device (Figure 5).

With respect to claim 16,

Hitson discloses the method according to claim 13 wherein the synchronization program identifies random content for transmission to the first device (Figure 10).

With respect to claim 17,

Hitson discloses the method according to claim 13 wherein the synchronization program identifies favorite content for transmission to the first device (Figure 11).

With respect to claim 18,

Hitson discloses a system, comprising: an interface module configured for receiving a request specifying content and detecting a device (Figure 5 elements 501, 502 and 503 and Figure 6); a storage module configured for storing the content (paragraph 4); and a review module configured for identifying the content and formatting the content based on the device (paragraphs 3, 9 and 38).

With respect to claim 19,

Hitson discloses the system according to claim 18 further comprising a capture module configured to identify the content (paragraph 6).

With respect to claim 20,

Hitson discloses the system according to claim 18 wherein the content includes one of a song, an album, and a video (paragraph 11).

With respect to claim 21,

Hitson discloses the system according to claim 18 wherein the review module is configured to apply a synchronization program in identifying the content (figure 3 and paragraph 70).

With respect to claim 22,

Hitson discloses the system according to claim 18 wherein the storage module is configured to store a record corresponding to the content (paragraph 92).

With respect to claim 23,

Hitson discloses the system according to claim 18 wherein the storage module is configured to store a synchronization program (Figure 23 and paragraph 127).

With respect to claim 24,

Hitson discloses a computer-readable medium having computer executable instructions for performing a method comprising: detecting content within a second device (Figure 5 elements 501, 502 and 503 and Figure 6); selecting a synchronization program; selecting a format based on a first device (paragraph 50); and automatically transmitting the content to the first device in the format based on the synchronization program (paragraph 38).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Navneet

Navneet K. Ahluwalia
Examiner
Art Unit 2166


MOHAMMAD ALI
PRIMARY EXAMINER

Dated: 07/03/2006